



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466

MAY 27 2005

VIA E-MAIL troll192270@hotmail.com 05/27/05

Ref: 8ENF-W

CERTIFIED MAIL 7003 2260 0001 7791 5640  
RETURN RECEIPT REQUESTED

Keith and Betty Troll, Owners  
Arvada Mobile Home Park  
2755 Hwy 14  
Clearmont, WY 82835

RE: Emergency Administrative  
Order issued under Section  
1431 SDWA to Arvada Mobile  
Home Park  
Docket No. SDWA-O8-2005-0022  
PWS ID #5601506N

Dear Mr. and Mrs. Troll:


Enclosed is an Emergency Administrative Order issued under Section 1431 of the Safe Drinking Water Act (SDWA), 40 U.S.C. §300i to you as owners of the Arvada Mobile Home Park Water System (the "System"). The Order is based on the bacteriological samples analyzed May 18<sup>th</sup> and 26<sup>th</sup>, 2005 as positive for acute fecal or E. coli coliform which may pose an imminent and substantial endangerment to the health of persons served by this water system.

The enclosed Order sets forth the actions you must immediately take. Penalties for failing to comply are set forth in the Order. Among other things, the Order requires the immediate issuance of a boil water notice and temporary increased bacteriological monitoring. A public notice template and funding pamphlet are also enclosed.

EPA is committed to working with you to ensure the safety of the System's water supply and appreciates your cooperation in this matter. If you have any questions regarding this Order, the most knowledgeable individuals on my staff regarding these requirements are Kathelene Brainich who can be reached at (303) 312-6481 and Lisa Kahn at (303) 312-6896. If you are represented by an attorney feel free to ask your attorney to call Peggy Livingston, Enforcement Attorney, at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures:

Emergency Administrative Order  
Sample Public Notice Template  
Small Business Information Sheet

cc: WY DEQ (via email)  
WY DOH (via email)  
Sue Mickelson, WDOA (via email)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466

MAY 27 2005

Ref: 8ENF-W

Ky Dixon, Chair  
Sheridan County Commissioners  
2245 S. Main #B1  
Sheridan, Wyoming 82801

Re: Notice of Emergency Administrative  
Order issued under Section 1431 SDWA  
to Arvada Mobile Home Park  
PWS ID#5601506N  
Docket No. SDWA-08-2005-0022

Dear Ms./Mr. Dixon:

Pursuant to Section 1414(a)(2)(B) of the Safe Drinking Water Act (SDWA), the Environmental Protection Agency is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Emergency Administrative Order is being issued under Section 1431 of the SDWA to the owners of the Arvada Mobile Home Park Water System located in Clearmont, Wyoming. The Order requires that this public water system take immediate measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations.

EPA has determined, based on samples analyzed May 18<sup>th</sup> and 26<sup>th</sup>, 2005 as positive for acute fecal or E. coli. coliform, that the water currently being served may present an imminent and substantial endangerment to the health of persons served by the water system.

A copy of the Emergency Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (800) 227-8917 extension 6481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2005 MAY 27 PM 3:03

IN THE MATTER OF )  
)  
Keith and Betty Troll, Owners )  
Arvada Mobile Home Park )  
2755 Hwy 14 )  
Clearmont, WY 82835 )  
PWS ID # 5601506 )  
)  
Respondents )  
)  
Proceedings under section 1431 )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300i )  
)

FILED  
EPA REGION VIII  
HEARING CLERK

EMERGENCY  
ADMINISTRATIVE ORDER

Docket No. SDWA-08-2005-0022

**I. STATUTORY AUTHORITY**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

**II. JURISDICTION**

- A. EPA has jurisdiction to issue emergency orders pursuant to section 1431 of the Act, 42 U.S.C. § 300i.
- B. EPA has primary enforcement responsibility for the Act in Wyoming because the State of Wyoming does not have primary enforcement authority for public water systems.

### III. FINDINGS

- A. Keith and Betty Troll (Respondents) are individuals and therefore "persons" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2.
- B. Respondents own and/or operate the Arvada Mobile Home Park Water System (the "System") located in Sheridan County, Clearmont, Wyoming for the provision to the public of piped water for human consumption. The System includes a bar, post office, houses and mobile homes.
- C. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
- D. Respondents own and/or operate a public water system and are therefore "suppliers of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondents are therefore subject to the requirements of Part B of the

Act, 42 U.S.C. § 300g, et. seq., and its implementing regulations, 40 C.F.R. part 141, sometimes known as the National Primary Drinking Water Regulations or NPDWRs.

- E. According to a Water System Basic Information questionnaire completed by the Respondents April 22, 2002, the System is supplied by a groundwater source that consists of one well. According to information obtained from an agent for EPA, the System serves an average of 50 persons daily through 14 service connections and is operational all year. The System was identified by EPA as a public water system in May 2003.
- F. EPA has determined, based on samples analyzed May 18, 2005 and May 26, 2005 as positive for acute fecal or E-coli coliform, the unsanitary conditions surrounding the storage tank in the bar, the location of the well in a flood plain in which the soil is saturated, and the absence of backflow prevention devices, that the water source currently available to the System may present an imminent and substantial endangerment to the health of persons.
- G. The State of Wyoming has not acted to protect public health because it is not authorized to do so under the Act.

- H. Local authorities have not acted to protect public health because they are not authorized to do so under the Act.
- I. On or about May 26, 2005, EPA consulted with State and Local authorities regarding the information upon which this Order is based.
- J. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Act in Wyoming.

#### **IV. ORDER**

Based on the foregoing Findings, and pursuant to section 1431 of the Act, IT IS ORDERED:

##### **A. INTENT TO COMPLY**

- 1. Within 24 hours of receipt of this Order, Respondents shall notify EPA in writing of their intention to comply with the terms of this Order.
- 2. The Respondents' notification shall include a general plan for compliance with each of the elements of this Order.

##### **B. ALTERNATIVE WATER SUPPLY**

- 1. Upon the effective date of this Order, Respondents must provide all the System's users with either an alternate water supply or with water from the system that has been boiled for at least three

minutes. Any alternative water supply shall be from a licensed water distributor, licensed by the State of Wyoming Department of Agriculture, Consumer Health Services Program, and shall be made available at no cost as needed for drinking and food preparation until Respondents receive written notification from EPA that alternative water is no longer necessary.

2. Respondents shall immediately notify all the System's users that an alternative water supply and/or boiled water is available. Respondents shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily, for each customer of the System.
3. Within 24 hours of receipt of this Order, Respondents shall submit certification to EPA of compliance with this paragraph IV.B.

**C. DISINFECTION**

1. Effective June 1, 2005, Respondents shall institute chlorination of the System at a frequency so as to continually maintain a disinfection chlorine residual of a least 0.2 milligrams per liter (mg/l) free chlorine throughout the distribution system until EPA



notifies the System in writing that chlorination is no longer required.

2. Upon receipt of this Order, Respondents shall monitor for chlorine residual daily at the entrance to the distribution system and at the furthest tap. This chlorine residual monitoring must be continued daily. Respondents shall report the results of the chlorine residual monitoring to EPA monthly, within the first ten (10) days of each month.

**D. BACTERIOLOGICAL MONITORING REQUIREMENTS**

1. Effective June 1, 2005, Respondents shall conduct bacteriological monitoring as follows:
  1. Collect daily samples to determine compliance with the maximum contaminant level ("MCL") for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondents shall report analytical results, via phone or fax, to EPA immediately upon receiving the results. Respondents shall continue daily monitoring until receiving written notice from EPA.
  2. After Respondents receive written notice from EPA, Respondents shall initiate weekly bacteriological sampling to determine

compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.

3. EPA will notify Respondents in writing that weekly bacteriological sampling is no longer required.
4. Thereafter, Respondents shall comply with all bacteriological monitoring requirements for non-community water systems with a groundwater source found at 40 C.F.R. § 141.21 to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63.
5. Respondents shall report all bacteriological analytical results to EPA within 10 days of the end of each monitoring period, as required by 40 C.F.R. § 141.31(a), or sooner if specified in this Order (i.e., positive results).

**D. PUBLIC NOTICE**

Upon receipt of this Order, Respondents shall provide public notice of the fecal coliform and E. coli positive samples. This public notice shall be given in one or more of the following forms of delivery: (1) Appropriate broadcast media (such as radio and television); (2) Posting of the notice in conspicuous locations throughout the area served by the water

system, including, but not limited to, at a minimum, posting in the entry way to the facility, and over every faucet at the water system; (3) Hand delivery of the notice to persons served by the water system; or (4) Another delivery method approved in writing by EPA. The notice shall be repeated at least once every 3 months by mail, hand delivery or posting as long as the violation exists. Respondents shall comply with any additional public notification requirements that may be established by EPA. Upon the effective date of this Order, Respondents shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondents shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). The public notice shall include the following information:

1. All requirements as specified in 40 C.F.R. § 141.205 including:
  - i. A description of the violation or situation, including contaminant of concern, and the contaminant level;
  - ii. When the violation or situation occurred;

- iii. Any potential adverse health effects from the violation or situation (see section b. below);
  - iv. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
  - v. Whether alternative water supplies should be used (see section b. below);
  - vi. What actions consumers should take, including when they should seek medical help, if known (see section b. below);
  - vii. What the system is doing to correct the violation or situation;
  - vii. When the water system expects to return to compliance or resolve the situation;
  - ix. The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and
2. Respondents shall include the following mandatory health effects language in the public notice as specified in

40 C.F.R. § 141.205(d)(1), Appendix B to  
subpart Q of part 141:

Fecal coliforms and E. Coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., SHALL BE BOILED FOR AT LEAST ONE (1) MINUTE, AT A ROLLING BOIL, BEFORE USE. ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.

**E. CORRECTIVE ACTION MEASURES**

1. Respondents shall correct all deficiencies noted in the sanitary survey to be conducted May 31, 2005 within 45 days of the survey and shall notify EPA in writing of compliance with the requirement within 24 hours of completion.
2. Respondents shall install and operate backflow preventors within 10 days of the date of this Order and shall notify EPA in writing of compliance with this requirement within 24 hours of completion.
3. Within 60 days of the effective date of this Order, Respondents shall submit a plan to EPA and

Wyoming Department of Environmental Quality (WDEQ) to ensure that the water system will consistently and reliably provide safe drinking water to the public. The plan shall include the following information:

- a. Proposed system modifications to achieve and maintain compliance with the Safe Drinking Water Act.
  - b. Estimated costs of any modifications; and
  - c. A schedule for construction of the project. The schedule shall include specific milestone dates and a final compliance date. The plans must be approved by the WDEQ and EPA before construction can commence. The compliance schedule shall have a completion date of no later than 120 days from the date of this Order.
4. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
  5. Respondents shall submit monthly reports to EPA on the status of all corrective measures. Each report shall include a description of any activity conducted on the System including a specific listing and status of each item identified above.

Reports shall be postmarked no later than the 15<sup>th</sup> of each month.

**F. REPORTING REQUIREMENTS**

1. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after it learns of the violation.
2. Upon the effective date of this Order, Respondents shall comply with 40 C.F.R. § 141.21(e) by reporting any fecal coliform or E. coli positive sample to EPA by the end of the day when the system is notified of the test result.
3. Unless otherwise specified, all reports and notifications herein required shall be submitted to:

US Environmental Protection Agency (8P-W-MS)  
999 18<sup>th</sup> Street Suite 300  
Denver, Colorado 80202-2466  
Telephone (800)227-8917 X 6481 or (303) 312-6481 Kathelene  
OR (800) 227-8918 X6274 or (303) 312-6274 John Gillis

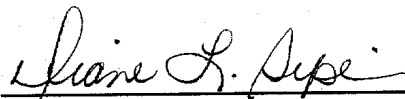
**V. GENERAL PROVISIONS**

- A. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is

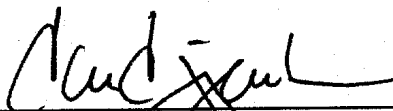
not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.

- B. Violation of any term of this Order may subject the Respondents to a civil penalty not to exceed \$32,500 for each day in which such violation occurs or failure to comply continues, assessed by an appropriate U.S. District Court under section 1431(b) of the Act, 42 U.S.C. § 300i(b).
- C. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
- D. The effective date of this Order shall be the date of issuance.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2005.



Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Michael T. Risher, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program



**DRINKING WATER WARNING**  
**ARVADA MOBILE HOME PARK & BAR**  
**Water is contaminated with fecal coliform/*E. coli***  
**BOIL YOUR WATER BEFORE USING**

Fecal coliform or *E. coli* bacteria were found in the water supply on May 18<sup>th</sup> & 26<sup>th</sup>. These bacteria can make you sick, and are a particular concern for people with weakened immune systems.

**What should I do?**

- **DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for three minutes, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation until further notice. Boiling kills bacteria and other organisms in the water.
- *Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.*
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

**What happened? What is being done?**

Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process.

An EPA contractor will be here Tuesday, May 31, 2005 to assist us. We will inform you when tests show no bacteria and you no longer need to boil your water. We anticipate resolving the problem within the next week. For more information, please contact Keith or Betty Troll at 307-736-2386. General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

**After public notice is complete, send a copy to EPA with your signature and a note as to how and when the public notice was accomplished.**

## Instructions for Fecal Coliform or E. Coli Notice

### Template on Reverse

Since exceeding the fecal coliform or *E. coli* maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate with your local health department. You may also have to modify the template if you also have high nitrate levels or other coliform MCL violations. You must use one or more of the following methods to deliver the notice to consumers (141.202(c)):

- Radio
- Television
- Hand or direct delivery
- Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). See Chapter 8 for a notice designed for posting. If you post or hand deliver, print your notice on letterhead, if you have it.

### Population Served

Make sure it is clear who is served by your water system--you may need to list the areas you serve.

### Corrective Action

In your notice, describe corrective actions you are taking. Listed below are some steps commonly taken by water systems with fecal coliform or *E. coli* violations. Use one or more of the following actions, if appropriate, or develop your own:

- We are chlorinating and flushing the water system.
- We are switching to an alternate drinking water source.
- We are increasing sampling for coliform bacteria to determine the source of the contamination.
- We are repairing the wellhead seal.
- We are repairing the storage tank.
- We are restricting water intake from the river/lake/reservoir to prevent additional bacteria from entering the water system and restricting water use to emergencies.

### After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to your primacy agency within ten days from the time you issue the notice (141.31(d)).

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

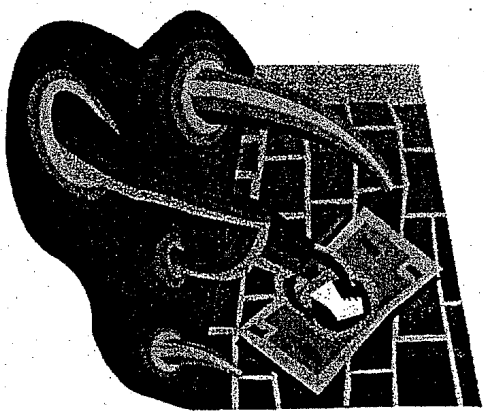
It is a good idea to issue a "problem corrected" notice when the violation is resolved. See Template 1-6.

WYOMING  
WATER/WASTEWATER  
TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



FUNDING OPTIONS  
FOR  
PRIVATELY-OWNED  
PUBLIC WATER  
SYSTEMS IN  
WYOMING.





## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

**The National Environmental Compliance Assistance Clearinghouse** provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

**Pollution Prevention Clearinghouse**  
<http://www.epa.gov/opptintr/library/ppicindex.htm>

**EPA's Small Business Ombudsman Hotline** can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:  
(800) 368-5888

**Emergency Planning and Community Right-To-Know Act**  
(800) 424-9346

**National Response Center** (to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone and Refrigerants Information**  
(800) 296-1996

**Clean Air Technology Center**  
(919) 541-0800

**Wetlands Helpline**  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

**EPA's Home Page**  
<http://www.epa.gov>

**Small Business Assistance Program**  
<http://www.epa.gov/ttn/sbap>

**Office of Enforcement and Compliance Assurance**  
<http://www.epa.gov/compliance>

**Compliance Assistance Home Page**  
<http://www.epa.gov/compliance/assistance>

**Office of Regulatory Enforcement**  
<http://www.epa.gov/compliance/civil/index.html>

**Office of Site Remediation Enforcement**  
<http://www.epa.gov/compliance/cleanup>

**Innovative Programs for Environmental Performance**  
<http://www.epa.gov/partners>

**Small Business Ombudsman**  
[www.sba.gov/ombudsman](http://www.sba.gov/ombudsman)